

such plant shall be reduced by the amount that its applicable Class I price is less than the highest Class I price applicable at such handler's fluid milk plants during the month.

[28 FR 4752, May 11, 1963, as amended at 30 FR 213, Jan. 8, 1965; 58 FR 27838, May 11, 1993]

#### PAYMENT FOR MILK

##### **§ 1044.70 Time and method of payment.**

(a) Except as provided in paragraph (b) or (c) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1044.61 adjusted by the butterfat differential pursuant to § 1044.62 and the location adjustment pursuant to § 1044.63.

(b)(1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any claim on the part of the association, each handler shall pay to the cooperative association on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all milk received from certified members, less amount owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submitted to the cooperative association on or before the 13th day of each month, written information which shows for each such member-producer:

- (i) The total pounds of milk received from him during the preceding month,
- (ii) The total pounds of butterfat contained in such milk.
- (iii) The number of days on which milk was received, and
- (iv) The amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is

a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse, and a certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, shall be made by written notice to the market administrator, and shall be subject to his determination.

(c) Each handler shall make payment to a cooperative association for milk received from the fluid milk plant of such cooperative association on or before the 10th day after the end of the month in which it was received, at not less than the applicable class prices.

(d) On or before the 15th day after each month of December through June, each handler shall remit to the market administrator for payment to associated producers, an amount obtained by multiplying the quantity of his associated producer milk for the month by the difference between his uniform price and the Class II price: *Provided*, That remittances to the market administrator pursuant to this paragraph shall be maintained by him in a separate fund out of which he shall make payments to associated producers on or before the 17th day after each month of December through June.

[27 FR 4053, Apr. 28, 1962, as amended at 28 FR 4752, May 11, 1963]

##### **§ 1044.71 Expense of administration.**

For the pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

- (a) Producer milk (including such handler's own production); and